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C O N F I D E N T I A L SECTION 01 OF 03 HARARE 001250

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [EAID](#) [ZI](#)
SUBJECT: CRACKDOWN ON NGOS?

REF: A. (A) HARARE 1206
 B. (B) HARARE 1179
 C. (C) HARARE 1067
 D. (D) HARARE 720
 E. (E) HARARE 461
 F. (F) HARARE 409

Classified By: Political Officer Bianca Menendez for reason 1.5 d

1. (C) SUMMARY: The Government of Zimbabwe is putting the squeeze on non-governmental organizations. GOZ officials have said NGOs will be required to operate with the permission of provincial governments and in accordance with conditions set out in a proposed restrictive new NGO bill. The draft bill would require all NGOs to register with the government, would outlaw activities in human rights and governance by foreign NGOs or local NGOs with foreign funding, and would permit government micromanagement of organizations--all purportedly to ensure that NGOs do not interfere with the government. These measures permit further politicization of food and seek to counter possible positive effects of any electoral reform. END SUMMARY.

The NGO Bill

2. (U) Under the existing Private Voluntary Organizations Act, NGOs are required to register with the government. The government issued a notice in September 2002 alerting NGOs that they would be closed down if they did not register. A June 28 article in the Chronicle newspaper reported Minister of Local Government Ignatius Chombo as saying that the government would be enforcing the existing law and also requiring NGOs to get permission from provincial governments for their activities, because those officials are best placed to direct NGOs to areas of need and to prohibit activities that "meddle in internal affairs." According to Lancaster Museka, the Permanent Secretary in the Ministry of Public Service, Labour, and Social Welfare, who was quoted in the July 18 Sunday Mail newspaper, NGOs must register to ensure they are working toward their stated purpose and are not helping the opposition to destabilize the country. He said NGOs who are not registered would be closed down.

3. (U) President Mugabe's address to the opening of the fifth session of the fifth Parliament (ref A) echoed comments of the Public Service Ministry. He confirmed that the government would be introducing the bill to Parliament and stated that NGOs must work for the betterment of the country and not as a means for foreign influences to interfere in internal affairs.

4. (U) According to an unofficial copy of highlights of the bill that the government plans to propose in Parliament, all NGOs must register with the government. The bill would also create an NGO Council, which would establish a code of conduct for all NGOs and oversee the management of NGOs. The bill prohibits "foreign" NGOs from operating in the areas of human rights and governance or local NGOs from operating in those areas with "foreign funds." The bill defines a "foreign" NGO as any organization not entirely composed of permanent residents or citizens of Zimbabwe who are also physically domiciled in Zimbabwe. Similarly, to be considered local, all funding must be from persons who are permanent residents or citizens of Zimbabwe also domiciled in Zimbabwe or a company that is both registered and operating in Zimbabwe. Given these restrictive definitions, the vast majority of NGOs would be considered foreign or funded from foreign sources. Under the bill, the Minister of Public Service, Labour, and Social Welfare would oversee the financial books of each NGO and would be able to separate branches of NGOs and establish them as independent organizations. The Minister of Public Service could also suspend any NGO for "maladministration."

NGO and Donor Responses to the Bill

5. (C) Comments from Democracy and Human Rights Fund from grantees indicate that many are not seriously concerned about the bill, because, despite the prior warnings from the GOZ

that the PVO Act would be enforced, it has been enforced only rarely. The Catholic Commission for Justice and Peace plans on holding meetings to deal with these issues many months from now. Zimbabwe Lawyers for Human Rights, another DHRF partner, commented that the new law would not apply to it because the organization is not really an NGO, but rather a membership organization.

16. (U) Other NGOs have shown more concern. Brian Kagoro, co-chair of the Crisis in Zimbabwe Coalition was quoted in the UK Daily Telegraph newspaper July 19 expressing concern that NGOs that are currently registered as trusts--the majority of human rights NGOs--would be illegal under the new law. Trusts do not register under the current PVO law, and any organization not already registered would have to completely cease activities while it applies for registration under the new law.

17. (C) ZLHR and the National Association for NGOs (NANGO) are both forming a response to the new bill. ZLHR is working on a legal opinion of the proposed legislation and is contemplating litigation to overturn it if enacted. NANGO has also formed a legal committee and a negotiating committee in the hopes that the proposed legislation is the GOZ's opening position in a negotiation. According to comments made to USAID, ZLHR plans to meet with NANGO representatives to coordinate activities.

18. (C) USAID Democracy and Governance program partners have indicated that, if the bill becomes law, they plan on registering first then challenging the requirement to register in court to avoid the problems the Daily News encountered in its legal challenge to the requirement for newspapers to register under the Access to Information and Protection of Privacy Act (AIPPA). In that case, the Supreme Court declined to rule on the Daily News' claim that AIPPA was unconstitutional, finding that the Daily News had unclean hands because it had not registered, and the GOZ subsequently closed the Daily News for failing to register (ref F).

19. (SBU) Mission officers are scheduled to attend a general meeting July 27 with representatives of donors to governance programs to discuss the new bill and possible responses.

Problems for NGOs

10. (C) Some NGOs are already experiencing problems. One USAID partner, Victory Tabernacle, experienced difficulties with the launch of their Mutare Tertiary Students for Peace program. Student organizers of peace clubs had planned a public launch and peace concert and were interrupted by police who asked for their registration papers. Police permitted the function but warned organizers that they would be arrested if they mentioned politics, and police set up roadblocks to prevent students from being ferried to the event from schools.

11. (C) At a World Food Program food aid coordination meeting attended by USAID, several NGOs indicated they were having problems in the countryside. As mentioned above, some are being told to stop general food distribution although they may be asked to continue feeding programs to targeted, vulnerable populations. Police stopped one NGO, Feed the Hungry, from carrying out its activities and told staff to get a letter of approval from the local MP. Some NGOs reported that they are denied access to targeted populations, such as displaced farm workers. CSAFE said it has written letters to officials at the district levels with planned activities and asked for a stamp of approval from each. Many of the NGOs said they were planning to schedule a meeting between NGOs and Permanent Secretary Museka from the Public Service Ministry.

12. (SBU) Other NGOs have experienced other types of harassment for their activities. For example, 48 members of Women of Zimbabwe Arise!, a human rights group, are on trial for demonstrating against the Public Order Security Act. The trial has been continued several times, and a delayed resolution distracts the group from its activities (ref B).
COMMENT

13. (C) In a worst-case scenario, if the bill is gazetted and passed as the unofficial copy describes, all of USAID's democracy and governance partners would be affected and most likely would not be able to continue if funded by USAID. This could spell the end of many USAID activities in Zimbabwe.

14. (C) The attempt to limit and monitor NGO activity appears to be a further tactic in the GOZ's strategy of limiting international presence in the run-up to the March 2005 parliamentary elections (ref E). The GOZ continues to insist that there will be a bumper harvest of maize this year and that Zimbabwe needs no food aid. Comments from USAID NGO partners indicate that they have been asked to cease general

feeding programs and instead focus on programs to targeted groups, such as school feeding programs or areas that have had particular problems with diseased farm animals. The new NGO legislation would significantly enhance GOZ capacity to manipulate food politically by cutting access to the countryside by donors and by further securing its control of food distribution throughout the country.

15. (C) A more direct and obvious attempt to limit the impact of NGOs on the elections is with electoral reform. The electoral amendment bill gazetted in April 2004 and subsequently withdrawn contained a provision to bar NGOs with foreign funding from conducting voter education (ref D). It is unclear if the current electoral reforms proposed by the government (ref C) will contain this measure since the NGO bill would bring under the direct control of the GOZ governance-related work by NGOs, if not eliminate it altogether, in any event.

16. (C) As elections approach, the government will probably make it increasingly difficult for all NGOs to operate, whether this bill is enacted or not. The GOZ wants to keep international elements from interacting with local constituencies or reporting on local conditions to the outside world. The proposed new NGO legislation may be just an intimidation tactic or, if passed, may represent the latest tangible tool with which to asphyxiate voices of debate and to perpetuate ruling party control. The unofficial bill is also an indication of the government's likely intention to counter the impact of proposed election reform by further limiting access to information and politicizing food aid to an even greater extent. END COMMENT.
WEISENFELD